

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION**

Angela Kee, et al.,

Plaintiffs,

v.

Evergreen Professional Recoveries, Inc.,

Defendant.

**Case No 3:09-cv-05130-RJB**

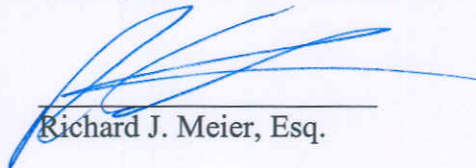
**DECLARATION OF COUNSEL IN  
SUPPORT OF PLAINTIFFS'  
RESPONSE TO DEFENDANT'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

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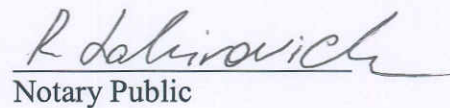
Now comes Richard J. Meier, of Legal Helpers, P.C. ("Legal Helpers"), and declares, under penalty of perjury, that the following statements are true:

1. I represent Plaintiffs Angela Kee and Angela Gustin in their claims against Defendant for violations of the Fair Debt Collection Practices Act ("FDCPA").
2. On or around August 29, 2008, Ms. Kee's bankruptcy file with Legal Helpers was noted to reflect that Ms. Kee had potential claims for violations of the FDCPA. The notation directed Ms. Kee's bankruptcy attorney to contact her FDCPA attorney's when preparing Ms. Kee's bankruptcy petition.
3. On February 13, 2009, Ms. Kee's bankruptcy attorney filed her Chapter 7 bankruptcy petition without conferring with Ms. Kee's FDCPA attorneys.
4. On March 11, 2009, Plaintiffs filed the above-captioned lawsuit against Defendant for violations of the FDCPA.
5. On June 2, 2009, the bankruptcy court for the Western District of Washington granted Ms. Kee a discharge of her debts.
6. On June 17, 2009, Defendant's counsel sent me a letter claiming that Ms. Kee's FDCPA claims were judicially estopped, and requesting that they be dismissed.
7. Between June 17, 2009 and June 24, 2009, Ms. Kee's bankruptcy attorney, bankruptcy trustee, and I, communicated several times to amend Ms. Kee's bankruptcy petition to both disclose her FDCPA claims and use the remaining exemptions to protect them from becoming part of the bankruptcy estate.

8. On June 19, 2009, I communicated to Defendant's counsel that the cases Defendant relied on for the application of judicial estoppel were distinguishable from the case at hand.
9. On July 24, 2009, despite being notified that judicial estoppel did not apply to Ms. Kee's claims, Defendant filed a Motion for Summary Judgment as to Ms. Kee's FDCPA claims.

  
Richard J. Meier, Esq.

Subscribed and sworn before me, a Notary Public this 6 day of August, 2009.

  
Notary Public

